

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

SAMUEL DODSON,

Plaintiff(s),

v.

STATE OF NEVADA, ex rel.
DEPARTMENT OF CORRECTIONS,
et al.,

Defendant(s).

2:13-CV-787 JCM (VCF)

ORDER

Presently before the court is a motion to dismiss filed by defendants Nevada Department of Corrections and Dwight Neven. (Doc. # 17).

This motion requests the dismissal of plaintiff's original complaint. However, after this motion was filed, plaintiff filed an amended complaint. (Doc. # 25).

An amended complaint supersedes the original pleading, making it "non-existent." *Valadez-Lopez v. Chertoff*, 656 F.3d 851,857 (9th Cir. 2011). If a litigant files an amended pleading, then motions to dismiss the original complaint are mooted without prejudice. *Johnson v. Cheryl*, 2013 WL 3943606, at *2 (D. Nev. 2013).

...

...

...

1 Accordingly,

2 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that defendants' motion to
3 dismiss the original complaint (doc. # 17) be, and the same hereby is, DENIED as moot.

4 DATED June 12, 2014.

5
6 
7 **UNITED STATES DISTRICT JUDGE**